

Public Law 102-421
102d Congress

An Act

To modify the provisions of the Education of the Deaf Act of 1986, and for other purposes.

Oct. 16, 1992

[H.R. 5483]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Education of the
Deaf Act
Amendments of
1992.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Education of the Deaf Act Amendments of 1992”.

20 USC 4301
note.

TITLE I—AMENDMENTS TO EDUCATION OF THE DEAF ACT OF 1986

Subtitle A—Reorganization of Act

SEC. 101. REORGANIZATION.

(a) **REPEALS.**—The following provisions of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) are repealed:

(1) Part B and part C of title I.

20 USC 4311,
4321, 4322.

(2) Title III.

20 USC
4341–4344.

(b) **REDESIGNATIONS.**—The Education of the Deaf Act of 1986, as amended by subsection (a) of this section, is amended—

(1) in the heading for title I, by amending the heading to read as follows:

20 USC prec.
4301.

“TITLE I—GALLAUDET UNIVERSITY; NATIONAL TECHNICAL INSTITUTE FOR THE DEAF”;

(2) in the heading for part A of title I, by amending the heading to read as follows:

20 USC prec.
4301.

“PART A—GALLAUDET UNIVERSITY”;

(3) by striking the heading for title II and inserting the following:

20 USC prec.
4331.

“PART B—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF”;

(4) by redesignating sections 201 and 202 as sections 111 and 112, respectively;

20 USC 4331,
4332.

(5) by striking the heading for title IV and inserting the following:

20 USC prec.
4351.

“TITLE II—GENERAL PROVISIONS”; and

(6) by redesignating sections 401 through 411 as sections 201 through 211, respectively.

20 USC
4351–4360.

20 USC 4303.

(c) CROSS-REFERENCE.—The Education of the Deaf Act of 1986, as amended by subsection (b) of this section, is amended in section 103(b)(8) by striking “section 403” and inserting “section 203”.

Subtitle B—Gallaudet University

SEC. 111. BOARD OF TRUSTEES.

Section 103 of the Education of the Deaf Act of 1986 (20 U.S.C. 4303) is amended—

(1) in subsection (a)(1)(B), by striking “, who on the effective date” and all that follows through “such date,”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting after “corporation” the following: “(including the construction of buildings and other facilities);”

(B) in paragraph (4) by amending the paragraph to read as follows:

“(4) appoint a president and establish policies, guidelines, and procedures related to the appointments, the salaries, and the dismissals of professors, instructors, and other employees of Gallaudet University, including the adoption of a policy of outreach and recruitment to employ and advance in employment qualified individuals with disabilities, particularly individuals who are deaf or individuals who are hard of hearing.”; and

(C) in paragraph (6), by amending the paragraph to read as follows:

“(6) establish such schools, departments, and other units as the Board of Trustees deems necessary to carry out the purpose of Gallaudet University.”.

SEC. 112. ESTABLISHMENT OF AUTHORITY FOR CERTAIN PROGRAMS.

Part A of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following section:

20 USC 4304.

“SEC. 104. ELEMENTARY AND SECONDARY EDUCATIONAL PROGRAMS.

“(a) GENERAL AUTHORITY.—(1)(A) The Board of Trustees of Gallaudet University is authorized, in accordance with the agreement under section 105, to maintain and operate exemplary elementary and secondary education programs, projects, and activities for the primary purpose of developing, evaluating, and disseminating innovative curricula, instructional techniques and strategies, and materials that can be used in various educational environments serving individuals who are deaf and individuals who are hard of hearing throughout the Nation.

“(B) The elementary and secondary programs described in subparagraph (A) shall serve students with a broad spectrum of needs, including students who are lower achieving academically, who come from non-English speaking homes, who have secondary disabilities, who are members of minority groups, or who are from rural areas.

“(C) The elementary and secondary programs described in subparagraph (A) shall include—

“(i) the Kendall Demonstration Elementary School, to provide day facilities for elementary education for individuals who are deaf, to provide such individuals with the vocational, transi-

Minorities.
Rural and urban
areas.
Handicapped.

tional, independent living, and related services they need to function independently, and to prepare such individuals for high school and other secondary study; and

“(ii) the Model Secondary School for the Deaf, to provide day and residential facilities for secondary education for individuals who are deaf, to provide such individuals with the vocational, transitional, independent living, and related services they need to function independently, and to prepare such individuals for college, other postsecondary opportunities, or the workplace.

“(2) The Model Secondary School for the Deaf may provide residential facilities for students enrolled in the school—

“(A) who live beyond a reasonable commuting distance from the school; or

“(B) for whom such residency is necessary for them to receive a free appropriate public education within the meaning of part B of the Individuals with Disabilities Education Act.

“(b) ADMINISTRATIVE REQUIREMENTS.—(1) The elementary and secondary education programs shall—

“(A) provide technical assistance and outreach throughout the Nation to meet the training and information needs of parents of infants and children who are deaf or hard of hearing;

“(B) provide technical assistance and training to personnel for use in teaching (i) students who are deaf or hard of hearing, in various educational environments, and (ii) students who are deaf or hard of hearing with a broad spectrum of needs as described in subsection (a); and

“(C) establish and publish priorities for research, development, and demonstration through a process that allows for public input;

“(2) To the extent possible, the elementary and secondary education programs shall provide the services required under paragraph (1) in an equitable manner, based on the national distribution of students who are deaf or hard of hearing in educational environments as determined by the Secretary for purposes of section 618(b) of the Individuals with Disabilities Education Act. Such educational environments shall include—

“(A) regular classes;

“(B) resource rooms;

“(C) separate classes;

“(D) separate, public or private, nonresidential schools; and

“(E) separate, public or private, residential schools and homebound or hospital environments.

“(3) If a local educational agency, intermediate educational unit, or State educational agency refers a child to, or places a child in, one of the elementary or secondary education programs to meet its obligation to make available a free appropriate public education under part B of the Individuals with Disabilities Education Act, the agency or unit shall be responsible for ensuring that the special education and related services provided to the child by the education program are in accordance with part B of that Act and that the child is provided the rights and procedural safeguards under section 615 of that Act.

“(4) If the parents or guardian places a child in one of the elementary or secondary education programs, the University shall—

“(A) notify the appropriate local educational agency, intermediate educational unit, or State educational agency of that child’s attendance in the programs;

“(B) work with local educational agencies, intermediate educational units, and State educational agencies, where appropriate, to ensure a smooth transfer of students to and from those programs; and

“(C) provide the child a free appropriate public education in accordance with part B of the Individuals with Disabilities Education Act and procedural safeguards in accordance with the following provisions of section 615 of such Act:

“(i) Subparagraphs (A), (C), (D), and (E) of paragraph (1) of subsection (b), and paragraph (2) of such subsection.

“(ii) Subsection (d), except the portion of paragraph (4) requiring that findings and decisions be transmitted to a State advisory panel.

“(iii) Paragraphs (1) through (3) of subsection (e). Paragraph (3) of such subsection is not applicable to decisions by the University to refuse to admit or to dismiss a child, except that, before dismissing any child, the University shall give at least 60 days notice to the child’s parents and to the local educational agency in which the child resides.

“(iv) Subsection (f).”

20 USC 4305.

SEC. 113. ESTABLISHMENT OF CERTAIN REQUIREMENTS.

Part A of title I of the Education of the Deaf Act of 1986, as amended by section 112 of this Act, is amended by adding at the end the following section:

“SEC. 105. AGREEMENT WITH GALLAUDET UNIVERSITY.

“(a) **GENERAL AUTHORITY.**—The Secretary and Gallaudet University shall establish, within 1 year after enactment of the Education of the Deaf Act Amendments of 1992, a new agreement governing the operation and national mission activities, including construction and provision of equipment, of the elementary and secondary education programs at the University. The Secretary and the University shall periodically update the agreement as determined to be necessary by the Secretary or the University.

“(b) **PROVISIONS OF AGREEMENT.**—The agreement shall—

“(1) provide that Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this Act and such agreement;

“(2) provide that the University shall make an annual report, to be part of the report required under section 204, to the Secretary on the operations and national mission activities of the elementary and secondary education programs, including such other information as the Secretary may consider necessary;

“(3) provide that in the design and construction of any facilities, maximum attention will be given to innovative auditory and visual devices and installations appropriate for the educational functions of such facilities;

“(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for

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the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a-276a-5) commonly referred to as the Davis-Bacon Act; and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

"(5) include such other conditions as the Secretary or the University considers necessary to carry out the purposes of this part."

Subtitle C—National Technical Institute for the Deaf

SEC. 121. AGREEMENT FOR NTID.

Section 112 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(4) of this Act, is amended—

20 USC 4332.

(1) in subsection (a)—

(A) by striking "—The Secretary" and inserting "—

(1) The Secretary"; and

(B) by adding at the end the following paragraph:

"(2) The Secretary, and the institution of higher education with which the Secretary has an agreement under this section, shall, within 1 year after the enactment of the Education of the Deaf Act Amendments of 1992, assess the need for modification of the agreement. The Secretary and the institution of higher education with which the Secretary has an agreement under this section shall also periodically update the agreement as determined to be necessary by the Secretary or the institution.";

(2) in subsection (b)(3), by striking "will make" and all that follows through "the Congress" and inserting the following: "will prepare and submit to the Secretary an annual report, including an accounting of all indirect costs paid to the institution of higher education under the agreement with the Secretary, which report the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate,"; and

(3) in subsection (b) by adding, at the end the following new paragraph:

"(6) establish a policy of outreach and recruitment to employ and advance in employment qualified individuals with disabilities, particularly individuals who are deaf or individuals who are hard of hearing."

Subtitle D—General Provisions

SEC. 131. DEFINITIONS.

Section 201 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended—

20 USC 4351.

(1) by striking paragraph (1) and inserting the following paragraph:

“(1) The term ‘international student’ means an individual who—

“(A) is not a citizen or national of, or lawfully admitted for permanent residence in, the United States;

“(B) does not provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than temporary purposes with the intention of becoming a citizen of, or lawfully admitted for permanent residence in, the United States; or

“(C) is not lawfully admitted for permanent residence in American Samoa, Guam, Palau (but only until the Compact of Free Association with Palau takes effect), the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands.”;

(2)(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(3) in paragraph (7) (as redesignated by paragraph (2) of this section), by striking “the Northern” and all that follows and inserting the following: “the Commonwealth of the Northern Mariana Islands, and Palau (but only until the Compact of Free Association with Palau takes effect).”; and

(4) by adding at the end the following paragraphs:

“(8) The term ‘NTID’ means the National Technical Institute for the Deaf.

“(9) The term ‘University’ means Gallaudet University.”.

SEC. 132. GIFTS.

20 USC 4352.

Section 202 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended to read as follows:

“SEC. 202. GIFTS.

“The University and NTID are authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of the University or NTID, or for the use, as appropriate, for any programs, departments, or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.”.

SEC. 133. AUDIT.

20 USC 4353.

Section 203 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended by adding at the end the following subsection:

“(c) LIMITATIONS REGARDING EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—No funds appropriated under this Act for Gallaudet University, including the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, or for the National Technical Institute for the Deaf may be expended on the following:

“(A) Alcoholic beverages.

“(B) Goods or services for personal use.

“(C) Housing and personal living expenses (but only to the extent such expenses are not required by written employment agreement).

"(D) Lobbying, except that nothing in this subparagraph shall be construed to prohibit the University and NTID from educating the Congress, the Secretary, and others regarding programs, projects, and activities conducted at those institutions.

"(E) Membership in country clubs and social or dining clubs and organizations.

"(2) POLICIES.—

"(A) Not later than 180 days after the date of the enactment of the Education of the Deaf Act Amendments of 1992, the University and NTID shall develop policies, to be applied uniformly, for the allowability of expenditures for each institution. These policies should reflect the unique nature of these institutions. The principles established by the Office of Management and Budget for costs of educational institutions may be used as guidance in developing these policies. General principles relating to allowability and reasonableness of all costs associated with the operations of the institutions shall be addressed. These policies shall be submitted to the Secretary for review and comments, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(B) Policies under subparagraph (A) shall include the following:

"(i) Noninstitutional professional activities.

"(ii) Fringe benefits.

"(iii) Interest on loans.

"(iv) Rental cost of buildings and equipment.

"(v) Sabbatical leave.

"(vi) Severance pay.

"(vii) Travel.

"(viii) Royalties and other costs for uses of patents.

"(C) The Secretary is not authorized to add items to those specified in subparagraph (B)."

SEC. 134. REPORTS.

Section 204 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended to read as follows: 20 USC 4354.

"SEC. 204. REPORTS.

"The Board of Trustees of Gallaudet University and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 112 shall prepare and submit an annual report to the Secretary, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, not later than 100 days after the end of each fiscal year, which shall include the following:

"(1) The number of students during the preceding academic year who enrolled and whether these were first time enrollments, who graduated, who found employment, or who left without completing a program of study, reported under each of the programs of the University (elementary, secondary, preparatory, undergraduate, and graduate) and of NTID.

"(2) For the preceding academic year, and to the extent possible, the following data on individuals who are deaf and

from minority backgrounds and who are students (at all educational levels) or employees:

"(A) The number of students enrolled full- and part-time.

"(B) The number of these students who completed or graduated from each of the educational programs.

"(C) The disposition of these students upon graduation/completion of programs at NTID and at the University and its elementary and secondary schools in comparison to students from non-minority backgrounds.

"(D) The number of students needing and receiving support services (such as tutoring and counseling) at all educational levels.

"(E) The number of recruitment activities by type and location for all educational levels.

"(F) Employment openings/vacancies and grade level/type of job and number of these individuals that applied and that were hired.

"(G) Strategies (such as parent groups and training classes in the development of Individualized Education Programs) used by the elementary and secondary programs and the extension centers to reach and actively involve minority parents in the educational programs of their children who are deaf and the number of parents who have been served as a result of these activities.

"(3) The annual audited financial statements of the University and NTID, respectively, together with the auditor's report.

"(4) For the preceding fiscal year, a statement showing the receipts of the University and NTID and from what Federal sources, and a statement showing the expenditures of each institution by function, activity, and administrative and academic unit.

"(5) A statement showing the use of funds (both corpus and income) provided by the Federal Endowment Program under section 207.

"(6) A statement showing how such Endowment Program is invested, what the gains or losses (both realized and unrealized) on such investments were for the most recent fiscal year, and what changes were made in investments during that year.

"(7) Such additional information as the Secretary may consider necessary."

SEC. 135. MONITORING AND EVALUATION.

(a) **EDUCATION OF THE DEAF ACT.**—Section 205 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended to read as follows:

"SEC. 205. MONITORING, EVALUATION, AND REPORTING.

"(a) **ACTIVITIES.**—The Secretary shall conduct monitoring and evaluation activities of the education programs and activities and the administrative operations of the University (including the elementary, secondary, preparatory, undergraduate, and graduate programs) and of NTID. The Secretary may also conduct studies related to the provision of preschool, elementary, secondary, and postsecondary education and other related services to individuals who are deaf. In carrying out the responsibilities described in this section, the Secretary is authorized to employ such consultants

as may be necessary pursuant to the provisions of section 3109 of title 5, United States Code.

“(b) REPORT.—The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of the monitoring and evaluation activities pursuant to subsection (a), together with such recommendations, including recommendations for legislation, as the Secretary may consider necessary.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out the monitoring and evaluation activities authorized under this section.”

(b) REPORT.—Not later than 180 days after the date of enactment of the Education of the Deaf Act Amendments of 1992, the Secretary of Education shall submit a report to Congress regarding progress made by the Department of Education in implementing the recommendations of the Commission on Education of the Deaf pertaining to the provision of a free and appropriate public education to children who are deaf, and children who are hard of hearing, and with respect to the establishment of standards for programs and personnel to meet the educational, communicative, and psychological needs of children who are deaf, and children who are hard of hearing. In preparing this report, the Secretary of Education shall solicit input from the community of individuals who are deaf, and individuals who are hard of hearing.

SEC. 136. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended—

20 USC 4356.

(1) in subsection (a), by striking “and the Rehabilitation Act of 1973.” and inserting the following: “, the Rehabilitation Act of 1973, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf or hard of hearing.”; and

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3);

and

(C) by inserting after paragraph (1) the following paragraph:

“(2) review research and other activities carried out by the University, NTID, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf or hard of hearing for the purpose of determining overlap and opportunities for coordination among such entities; and”.

SEC. 137. FEDERAL ENDOWMENT PROGRAMS.

The Education of the Deaf Act of 1986, as amended by section 101(b)(6) of this Act, is amended—

(1) by striking sections 207 and 208; and

(2) by inserting after section 206 the following section:

20 USC 4357,
4358.

“SEC. 207. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

20 USC 4357.

“(a) ESTABLISHMENT OF PROGRAMS.—

"(1) The Secretary and the Board of Trustees of Gallaudet University are authorized to establish the Gallaudet University Federal Endowment Fund as a permanent endowment fund, in accordance with this section, for the purpose of promoting the financial independence of the University. The Secretary and the Board of Trustees may enter into such agreements as may be necessary to carry out the purposes of this section with respect to the University.

"(2) The Secretary and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 112 are authorized to establish the National Technical Institute for the Deaf Federal Endowment Fund as a permanent endowment fund, in accordance with this section, for the purpose of promoting the financial independence of NTID. The Secretary and the Board or other governing body may enter into such agreements as may be necessary to carry out the purposes of this section with respect to NTID.

"(b) FEDERAL PAYMENTS.—

"(1) The Secretary shall, consistent with this section, make payments to the Federal endowment funds established under subsection (a) from amounts appropriated under subsection (h) for the fund involved.

"(2) Subject to the availability of appropriations and the non-Federal matching requirements of paragraph (3), the Secretary shall make payments to each Federal endowment fund in amounts equal to sums contributed to the fund from non-Federal sources (excluding transfers from other endowment funds of the institution involved).

"(3) Effective for fiscal year 1993 and each succeeding fiscal year, for any fiscal year in which the sums contributed to the Federal endowment fund of the institution involved from non-Federal sources exceed \$1,000,000, the non-Federal contribution to the Federal endowment fund shall be \$2 for each Federal dollar provided in excess of \$1,000,000 (excluding transfers from other endowment funds of the institution involved).

"(c) INVESTMENTS.—

"(1) Except as provided in subsection (e), the University and NTID, respectively, shall invest its Federal endowment fund corpus and income in instruments and securities offered through one or more cooperative service organizations of operating educational organizations under section 501(f) of the Internal Revenue Code of 1986, or in low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State in which the institution involved is located.

"(2) In managing the investment of its Federal endowment fund, the University or NTID shall exercise the judgment and care, under the prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

"(3) Neither the University nor NTID may invest its Federal endowment fund corpus or income in real estate, or in instruments or securities issued by an organization in which an executive officer, a member of the Board of Trustees of the University or of the host institution, or a member of the Advisory Board of NTID is a controlling shareholder, director,

or owner within the meaning of Federal securities laws and other applicable laws. Neither the University nor NTID may assign, hypothecate, encumber, or create a lien on the Federal endowment fund corpus without specific written authorization of the Secretary.

"(d) WITHDRAWALS AND EXPENDITURES.—

"(1) Except as provided in paragraph (3)(B), neither the University nor NTID may withdraw or expend any of the corpus of its Federal endowment fund.

"(2)(A) The University and NTID, respectively, may withdraw or expend the income of its Federal endowment fund only for expenses necessary to the operation of that institution, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research.

"(B) Neither the University nor NTID may withdraw or expend the income of its Federal endowment fund for any commercial purpose.

"(C) Beginning on October 1, 1992, the University and NTID shall maintain records of the income generated from its respective Federal endowment fund for the prior fiscal year.

Records.

"(3)(A) Except as provided in subparagraph (B), the University and NTID, respectively, may, on an annual basis, withdraw or expend not more than 50 percent of the income generated from its Federal endowment fund from the prior fiscal year.

"(B) The Secretary may permit the University or NTID to withdraw or expend a portion of its Federal endowment fund corpus or more than 50 percent of the income generated from its Federal endowment fund from the prior fiscal year if the institution involved demonstrates, to the Secretary's satisfaction, that such withdrawal or expenditure is necessary because of—

"(i) a financial emergency, such as a pending insolvency or temporary liquidity problem;

"(ii) a life-threatening situation occasioned by natural disaster or arson; or

"(iii) another unusual occurrence or exigent circumstance.

"(e) INVESTMENT AND EXPENDITURE FLEXIBILITY.—The corpus associated with a Federal payment (and its non-Federal match) made to the Federal endowment fund of the University or NTID shall not be subject to the investment limitations of subsection (c)(1) after 10 fiscal years following the fiscal year in which the funds are matched, and the income generated from such corpus after the tenth fiscal year described in this subsection shall not be subject to such investment limitations and to the withdrawal and expenditure limitations of subsection (d)(3).

"(f) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the University or NTID—

"(1) makes a withdrawal or expenditure of the corpus or income of its Federal endowment fund that is not consistent with this section;

"(2) fails to comply with the investment standards and limitations under this section; or

"(3) fails to account properly to the Secretary concerning the investment of or expenditures from the Federal endowment fund corpus or income.

"(g) DEFINITIONS.—As used in this section:

"(1) The term 'corpus', with respect to a Federal endowment fund under this section, means an amount equal to the Federal payments to such fund, amounts contributed to the fund from non-Federal sources, and appreciation from capital gains and reinvestment of income.

"(2) The term 'Federal endowment fund' means a fund, or a tax-exempt foundation, established and maintained pursuant to this section by the University or NTID, as the case may be, for the purpose of generating income for the support of the institution involved.

"(3) The term 'income', with respect to a Federal endowment fund under this section, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

"(4) The term 'institution involved' means the University or NTID, as the case may be.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) In the case of the University, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

"(2) In the case of NTID, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

"(3) Amounts appropriated under paragraph (1) or (2) shall remain available until expended.

"(i) EFFECTIVE DATE.—The provisions of this section shall take effect as if included in the provisions of the Education of the Deaf Act of 1986."

SEC. 138. SCHOLARSHIP PROGRAM.

The Education of the Deaf Act of 1986, as amended by section 137 of this Act, is amended by inserting after section 207 the following section:

20 USC 4358.

"SEC. 208. SCHOLARSHIP PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to institutions of higher education that have teacher training programs in deaf education or special education for the purpose of providing scholarships to individuals who are deaf for careers in deaf education or special education. Such institutions shall give priority consideration in the selection of qualified recipients of the scholarships to individuals from underrepresented backgrounds, particularly minority individuals who are deaf and who are underrepresented in the teaching profession. Grants may be used by institutions to assist in covering the cost of courses of training or study for such individuals and for establishing and maintaining fellowships or traineeships with stipends and allowances as may be determined by the Secretary.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated \$2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997."

SEC. 139. INTERNATIONAL STUDENTS.

The Education of the Deaf Act of 1986, as amended by section 101(b)(6) of this Act, is amended by striking section 210 and inserting the following section:

“SEC. 210. INTERNATIONAL STUDENTS.

20 USC 4359a.

“(a) **ENROLLMENT.**—Effective with new admissions for academic year 1993–1994 and each succeeding academic year, the University (including preparatory, undergraduate, and graduate students) and NTID shall limit the enrollment of international students to approximately 10 percent of the total postsecondary student population enrolled respectively at the University or NTID.

“(b) **TUITION SURCHARGE.**—Effective with new admissions, the tuition for postsecondary international students enrolled in the University (including preparatory, undergraduate, and graduate students) or NTID shall include a surcharge of 75 percent beginning the academic year 1993–1994, and 90 percent beginning the academic year 1994–1995.

“(c) **REDUCTION OF SURCHARGE.**—Beginning the academic year 1993–1994 and thereafter, the University or NTID may reduce the surcharge under subsection (b) to 50 percent if—

“(A) a student described under subsection (b) is from a developing country;

“(B) such student is unable to pay the tuition surcharge under subsection (b); and

“(C) such student has made a good faith effort to secure aid through such student’s government or other sources.

“(d) **DEFINITION.**—For purposes of subsection (c), the term ‘developing country’ means a country that has a 1990 per capita income not in excess of \$4,000 in 1990 United States dollars.”.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended—

20 USC 4360.

(1) in subsection (a)—

(A) in the matter preceding subparagraph (A), by striking “fiscal years” and all that follows through “1991” and inserting “fiscal years 1993 through 1997”;

(B) in subparagraph (B), by striking “part B of title I, relating to”; and

(C) in subparagraph (C), by striking “part C of title I, relating to”;

(2) in subsection (b), by striking “fiscal years” and all that follows through “relating to” and inserting the following: “fiscal years 1993 through 1997 to carry out the provisions of this Act relating to”; and

(3) by striking subsection (c).

Subtitle E—Technical Amendments**SEC. 151. TECHNICAL AMENDMENTS.**

(a) **TERMINOLOGY.**—The Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended—

(1) by striking “deaf individuals” each place such term appears and inserting “individuals who are deaf”;

(2) by striking “deaf people” each place such term appears and inserting “individuals who are deaf”;

(3) by striking “deaf children” each place such term appears and inserting “children who are deaf”;

(4) by striking “the deaf” each place such term appears and inserting “individuals who are deaf”; and

(5) in section 206 (as redesignated by section 101(b)(6) of this Act), in the heading for the section, by striking “FOR THE DEAF”.

20 USC 4351.

(b) OTHER AMENDMENTS.—Section 201 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act and amended by subsection (a) of this section, is amended—

(1) in paragraph (2), by striking “thereof” and inserting “therein”;

(2) in paragraph (3), by inserting “or hard-of-hearing” after “children who are deaf”; and

(3) in paragraph (4) (as redesignated by section 131(2)(B) of this Act)—

(A) in the first sentence, in each of subparagraphs (A) through (E), by striking the last comma and inserting a semicolon; and

(B) in the second sentence, by striking “clause” and inserting “subparagraph”.

Subtitle F—Effective Dates

20 USC 4301
note.

SEC. 161. EFFECTIVE DATES.

The amendments described in this title are made upon October 1, 1992, and take effect upon such date.

TITLE II—PROVISIONS REGARDING OTHER ACTS

Subtitle A—Individuals with Disabilities Education Act

SEC. 201. POSTSECONDARY EDUCATION.

(a) REGIONAL CENTERS.—Section 625(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1424a(a)) is amended by inserting after the first sentence in paragraph (6) the following new sentences: “The Secretary shall continue to provide assistance through September 30, 1994, to the current grantees operating the four regional centers for the deaf under subsection (a) of this section. The Secretary shall continue to provide such assistance through September 30, 1995, unless the authorization of appropriations for parts C–G of the Act is extended by September 30, 1994.”.

20 USC 1424a
note.

(b) STUDY.—There shall be conducted a General Accounting Office study of the four regional centers for the deaf under section 625(a)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1424(a)(2)). The scope of such study shall be determined by the Chairpersons and Ranking Minority members of the Subcommittee on Disability Policy of the Committee on Labor and Human Resources in the Senate, and of the Subcommittee on Select Education of the Committee on Education and Labor in the House of Representatives.

SEC. 202. TRAINING PERSONNEL; EDUCATIONAL INTERPRETERS.

(a) **TRAINING PERSONNEL.**—Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by adding at the end the following paragraph:

“(8)(A) In making grants under paragraph (1), the Secretary may make grants through a separate competition to institutions of higher education, in partnership with local educational agencies and center schools for students who are deaf, to carry out not less than 4 regional model demonstration training programs on deafness and secondary disabilities.

“(B) Such programs shall provide preservice and inservice training to teachers and school administrators, and leadership personnel, in the education of students who are deaf and to related services personnel.”

(b) **EDUCATIONAL INTERPRETERS.**—Section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following subsection:

“(b)(1) The Secretary may make grants to institutions of higher education, and other appropriate nonprofit agencies or organizations for the establishment or continuation of educational interpreter training programs to train personnel to effectively meet the various communication needs of elementary and secondary students who are deaf or deaf-blind. To the extent feasible, grants shall be geographically dispersed throughout the Nation in urban and rural areas.

Rural and urban areas.

“(2) The Secretary may make a grant under paragraph (1) only if the applicant for the grant provides an assurance that all interpreters receiving training under the grant will be provided training designed to develop skills necessary for facilitating effective communication for students who are deaf or deaf-blind.

“(3) In making grants under paragraph (1), the Secretary may provide for the training or retraining (including short-term and in-service training) of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, and other personnel who work with such individuals, on the role of educational interpreters.”

SEC. 203. RESEARCH AND RELATED ACTIVITIES.

Section 641 of the Individuals with Disabilities Education Act (20 U.S.C. 1441) is amended by adding at the end the following subsection:

“(h)(1) The Secretary may make grants to institutions of higher education, in partnership with other appropriate agencies and organizations such as local educational agencies and center schools for students who are deaf, to—

“(A) conduct research in the unique needs of children and youth, including minority children and youth, with disabilities;

“(B) develop and evaluate specialized instructional methods, materials, curricula, and technologies for use with such children and youth; and

“(C) develop and evaluate assessment techniques, instruments, and strategies used to identify, evaluate, and measure the progress of such children and youth.

"(2) Each grantee under this subsection shall provide for the meaningful involvement in its project of parents and family members and adult role models."

Subtitle B—Effective Dates

20 USC 1424a
note.

SEC. 221. EFFECTIVE DATES.

The amendments described in this title shall take effect on October 1, 1992.

Approved October 16, 1992.

LEGISLATIVE HISTORY—H.R. 5483:

HOUSE REPORTS: No. 102-818 (Comm. on Education and Labor).

CONGRESSIONAL RECORD, Vol. 138 (1992):

Aug. 10, considered and passed House.

Oct. 5, considered and passed Senate, amended. House concurred in Senate amendment.